

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

=====X Cr. No. 13-607 (JFB)  
UNITED STATES OF AMERICA,

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

- against -

★ **APR 30 2015** ★

PHILLIP KENNER and  
TOMMY CONSTANTINE, also known  
as "Tommy C. Hormovitis"

**ORDER**

LONG ISLAND OFFICE

Defendants.  
=====X

IT IS HEREBY ORDERED that personnel at the Metropolitan Detention Center shall deliver to the United States Marshal a MacBook laptop computer in the possession of the defendant, Phillip Kenner, when the defendant is transported by the United States Marshal on May 4, 2015 for the start of his trial before this Court and retain custody of such MacBook laptop computer for delivery to the defendant's attorney, Richard D. Haley, who will retrieve it from the United States Marshal at the courthouse for use by the defendant in the courtroom throughout the trial. At the end of each trial day, Mr. Haley will retain the MacBook laptop computer in his possession or lock it in the courtroom storage room for attorneys for retrieval and use during each trial day.

IT IS FURTHER ORDERED that at the end of each Thursday of trial (the Court does not sit on Friday during the course of the trial), the MacBook laptop computer will be delivered to the United States Marshal by Mr. Haley for transport back to the Metropolitan Detention Center and delivery to personnel at the Metropolitan Detention Center who shall thereafter permit the defendant to access the MacBook laptop computer during non-trial days (Friday, Saturday and Sunday) pursuant to the previous order of this Court, filed in the Office of the Clerk of this Court on April 28, 2015, a copy of which is attached hereto and made part hereof.

IT IS FURTHER ORDERED that procedure and protocol for the defendant's use and access to the MacBook laptop computer as outlined in this order will be repeated for each successive week of trial and will remain in place until further order of this Court. This order is not intended to supersede or interrupt the defendant's use and access of his MacBook laptop computer as outlined in the attached order from the date of this order to the defendant's appearance for trial on May 4, 2015.

**SO ORDERED**

Joseph F. Bianco  
USDJ

Date: April 30 2015  
Central Islip, N.Y.

***HALEY WEINBLATT & CALCAGNI, LLP***  
1601 Veterans Memorial Highway, Suite 425  
Islandia, New York 11749  
631-582-5151

April 30, 2015

Hon. Joseph F. Bianco  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

RE: United States v. Philip Kenner  
Docket Number: 13-607 (JFB)

Dear Judge Bianco:

With the consent of the government, the defendant, Philip Kenner, submits the proposed order for the Court's consideration to facilitate the defendant's access and use of his MacBook laptop computer for the duration of the trial and throughout his pre-trial detention at the Metropolitan Detention Center. The proposed order is the result of discussions between the government and the undersigned following Tuesday's court appearance.

Thank you for Your Honor's consideration of this letter motion on behalf of the defendant.

Very truly yours,

***Richard D. Haley***

RICHARD D. HALEY

cc: AUSA James M. Miskiewicz via ECF  
AUSA Saritha Komatireddy via ECF